

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7653

Investigation into the indirect acquisition of a)
controlling interest in Ascutney Mountain Water)
Public Service Company ("Company") by UTVT)
Holdings, Inc., without the prior approval of the)
Public Service Board under 30 V.S.A. § 107, and)
into disputes related to the change in control that)
may affect the Company's operations)

Order entered: 11/29/2011

PROCEDURAL ORDER AND NOTICE OF STATUS CONFERENCE

BACKGROUND

The Public Service Board ("Board") opened an investigation on September 16, 2010, to review an acquisition of control of Ascutney Mountain Water Public Service Company ("Company") by UTVT Holdings, Inc. ("UTVT") that occurred without the required Board approval and to seek an appropriate resolution as to the acquisition and other issues and disputes related to the provision of water service to the Company's customers. Although it appears that the water system is operating and providing adequate water system to the Company's customers at this time, the progress in achieving a resolution of this matter has been slower than anticipated.

A status conference was scheduled in this matter for November 18, 2011, but was postponed at the request of UTVT, with the support of the other parties. UTVT requested that the status conference be delayed until after the beginning of next year to allow the parties more time to resolve issues before engaging in litigation before the Board.¹ Among other considerations, UTVT noted that certain of the parties needed additional time to pursue their

1. In its request of November 15, 2011, UTVT also indicated that it had agreed to provide Windsor Ascutney Sewage Treatment Enterprise ("WASTE") additional time to respond to pending discovery requests and asked that any ruling on its motion of October 17, 2011, to compel discovery responses from WASTE be deferred.

plans for the formation of a fire district or other municipal entity and to discuss the transfer of the water system to such an entity. These plans were discussed at a status conference last December, and the apparent lack of progress to date is disappointing.

As set forth in the notice below, the status conference will be rescheduled for January 18, 2012. In addition, UTVT and the parties involved in the proposed formation of a fire district or a municipal entity shall file (severally or jointly) a status report with the Board by January 11, 2012, detailing the current status of matters, including any progress on the proposed transfer of the water system.² If significant progress has not been made with respect to the transfer of the water system to a fire district or municipal entity by that time, the parties should be prepared at the status conference to set a schedule for the remainder of this investigation proceeding, including dates for the filing of prefiled testimony and a technical hearing. If the parties are able to report significant progress on the transfer of the water system by January 11, a further postponement of the status conference will be considered if requested by the parties at that time.

NOTICE OF STATUS CONFERENCE

Pursuant to 30 V.S.A. §§ 8 and 10, the Hearing Officer will convene a status conference on Wednesday, January 18, 2012, commencing at 10:00 A.M., at the Public Service Board Hearing Room, located on the 3rd Floor of the People's United Bank building, at 112 State Street, Montpelier, Vermont.

SO ORDERED.

2. Any of the other parties are also welcome to file status reports.

Dated at Montpelier, Vermont, this 29th day of November, 2011.

s/Lars Bang-Jensen

Lars Bang-Jensen
Hearing Officer

OFFICE OF THE CLERK

FILED: November 29, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)